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Patent Docket P1732R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of E. Sasha Paegle et al. Serial No.: 10/080,866 Filed: February 22, 2002 For: PROCESS FOR PRODUCTION OF POLYPEPTIDES	Group Art Unit: Unassigned Examiner: Unassigned
	CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on May 15, 2002 <i>Emily Dutra</i> Emily Dutra

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

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Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached revised Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement is filed in accordance with the provisions of:

- ☒ **37 CFR §1.97(b)**
- within three months of the filing date of the application other than a continued prosecution application under 37 CFR §1.53(d); **or**
 - within three months of the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491, **or**
 - before the mailing of the first Office action on the merits; **or**
 - before the mailing of the first Office action after the filing of a request for a continued examination under 37 CFR §1.114.
- ☐ **37 CFR §1.97(c)**
- by the applicant after the period specified in 37 CFR §1.97(b), but prior to the mailing date of any of a final action under 37 CFR §1.113, or a notice of allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and is accompanied by either the fee set forth in 37 CFR §1.17(p) **or** a statement as specified in 37 CFR §1.97(e), as checked below.
- ☐ **37 CFR §1.97(d)**
- after the period specified in CFR §1.97(c), and is accompanied by the fee set forth in 37 CFR §1.17(p) **and** a statement as specified in 37 CFR §1.97(e), as checked below.

[If either of boxes 37 CFR §1.97(c) or 37 CFR §1.97(d) is checked above, the following statement under 37 CFR

§1.97(e) may need to be completed.]

- ☐ **37 CFR §1.97(e)** Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ **37 CFR §1.704(d)** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application and the communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this information disclosure statement. Therefore, in accordance with the provisions of 37 CFR §1.704(d), the filing of this information disclosure statement will not be considered a failure to engage in reasonable efforts to conclude prosecution under 37 CFR §1.704.
- ☐ The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p). Any deficiency or overpayment should be charged or credited to this deposit account.

A list of the patent(s) or publication(s) is set forth on the attached revised Form PTO-1449 (Modified).

A copy of the items on PTO-1449 is supplied herewith.

☐ BLAST results enclosed:

The undersigned also wishes to bring to the attention of the Examiner BLAST results of computerized alignments of the against sequences contained in the nucleotide and protein databases. The BLAST results are provided in paper form and are identified as reference "BLAST Results A-1- A-()" (nucleotide) and "BLAST Results B-1 - B-()" (protein) on the PTO Form 1449. Applicant requests that these references also be considered and that the Form 1449 be initialed to indicate the Examiner's consideration of the references.

A concise explanation of relevance of the items listed on PTO-1449 is:

- ☐ not given
- ☐ given for each listed item
- ☒ given for only non-English language listed item(s) [Required]
Item 16 of the PTO-1449 is provided in the form of an English language abstract. Item 55 is enclosed with an English language abstract.
- ☐ in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR §1.97(g), the filing of this information disclosure statement shall not be construed as a representation that a search has been made.

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In accordance with 37 CFR §1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR § 1.56(b).

In the event that the Office determines a fee to be due where none is specifically authorized in this paper, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement under 37 CFR §1.17(p).

Respectfully submitted,

GENENTECH, INC.

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10/080866

Applicant

Paegle et al.

Filing Date

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Group

LIST OF DISCLOSURES CITED BY APPLICANT

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

Examiner Initials		Document Number	Date	Name	Class	Subclass	Filing Date
	1	4,578,355	25.03.86				
	2	5,162,217	10.11.92				
	3	5,256,546	26.10.93				
	4	5,354,846	11.10.94				
	5	5,374,520	20.12.94				
	6	5,401,658	28.03.95				
	7	5,618,715	08.04.97				
	8	5,834,184	10.11.98				

FOREIGN PATENT DOCUMENTS

Examiner Initials		Document Number	Date	Country	Class	Subclass	Translation Yes No
	9	131,843	23.01.85	EP			
	10	314,184	03.05.89	EP			
	11	467,676	22.01.92	EP			
	12	691,406	10.01.96	EP			
	13	700,997	13.03.96	EP			
	14	838,525	29.04.98	EP			
	15	893,502	27.01.99	EP			
	16	9,059,299	04.03.97	JP (ENGLISH ABSTRACT ONLY)			
	17	WO 85/02624	20.06.85	PCT			
	18	WO 85/04418	10.10.85	PCT			
	19	WO 88/06628	07.09.88	PCT			
	20	WO 89/03886	05.05.89	PCT			

OTHER DISCLOSURES (Including Author, Title, Date, Pertinent Pages, etc.)

	21	Beck et al., "Efficient Production of Active Human Manganese Superoxide Dismutase in Escherichia coli." <u>Biotechnology</u> . 6:930-935 (Aug 1988)
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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29	Erie et al., "Multiple RNA Polymerase Conformations and GreA: Control of the Fidelity of Transcription." <u>Science</u> 262:867-873 (1993)
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High	1.00	0.00	1.00

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